

JUN 27 2000

Scott Hoffert
Onyx Environmental Services
700 E. Butterfield Road, Suite #201
Lombard, IL 60148

Dear Mr. Hoffert:

This letter is a follow-up to your conversation with Ms. Reynolds of my staff and a reply to your facsimile of July 21, 2000, in which you raise questions concerning 40 CFR 761.63, PCB Household Waste Storage and Disposal. Specifically, you request clarification on whether PCB household waste collected at a community amnesty day is subject to part 761 requirements if shipped to and treated at an incinerator permitted under both RCRA and TSCA (PCB)?

The regulation at §761.63 states:

PCB household waste, as defined at §761.3, managed in a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, or in a facility with an approval to dispose of PCB bulk product waste under §761.62(c), is not subject to any other requirements of part 761 of this chapter. PCB household waste stored in a unit regulated for storage of PCB waste must not be commingled with PCB waste.

Although the regulation does not identify all of the approved PCB disposal options that are available under TSCA (e.g., high efficiency boiler for liquid PCBs <500 parts per million (ppm), a TSCA PCB-permitted incinerator for liquid and non-liquid PCBs ≥50 ppm, or a TSCA chemical waste landfill for non-liquid PCBs ≥50 ppm), those options remain available for the disposal of PCB household waste. As stated at 761.3 in the definition for PCB household waste, "... [b]ulk or commingled liquid PCB wastes at concentrations of ≥50 ppm, demolition and renovation wastes, and industrial or heavy duty equipment with PCBs **are not** household waste." [emphasis added] Therefore, assuming the waste collected at the community amnesty day

CONCURRENCES

SYMBOL	7404	7404	7404					
SURNAME	Reynolds	Simpson	Baney					
DATE	7/24/00	7/27/00	7/27/00					

satisfies the definition for PCB household waste, the storage and disposal of that waste are not subject to any other requirements of 40 CFR Part 761 (e.g., manifesting, record keeping). On the other hand, PCB waste which does not qualify as PCB household waste is subject to all relevant Part 761 requirements.

You also request clarification on whether PCB household waste that is stored in a unit regulated for the storage of PCB waste may be stored "along side" of the PCB waste. Section 761.63 requires that the PCB household waste must not be commingled with the PCB waste. For the purpose of this regulation, PCB household waste must be separated from PCB waste, i.e., not come in contact with or be combined with any PCB waste, that may be stored in the storage unit.

You may contact Ms. Reynolds at 202-260-3965 if we can be of any further assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to be 'TS' or 'TS/'. The letters are stylized and slanted.

Tony Baney, Chief
Fibers and Organics Branch
National Program Chemicals Division

cc: PCB Coordinators, Regions I-X

ONYX ENVIRONMENTAL SERVICES



700 E. Butterfield Road, Suite 201
Lombard, IL 60148
Fax # 630.627.2983

facsimile transmittal

To: PEGGY REYNOLDS

From: SCOTT HOFFERT

Fax: (202) 260-1724

Phone: (630) 218-1857

Phone:

Date: 7/21/00

RE: PCB Household Waste

Pages: 2

ONYX ENVIRONMENTAL SERVICES



Date: July 21, 2000
To: Peggy Reynolds, U.S. Environmental Protection Agency
From: Scott Hoffert, Onyx Environmental Services *sh*
RE: PCB Household Waste

I request clarification concerning 40 CFR 761.63, PCB Household Waste Storage and Disposal. Under this paragraph, PCB Household Waste, meeting the definition at §761.3, is not subject to any other requirements of part 761 if the waste is managed at the following:

1. A facility permitted, registered, or licensed by a State to manage municipal or industrial solid waste
2. A facility with an approval to dispose of PCB bulk product waste under §761.62(c).

Would PCB Household Waste collected at a community amnesty day be subject to part 761 requirements if shipped to and treated at an incinerator permitted under both RCRA and TSCA (PCB)?

Also, this paragraph states that PCB Household Waste stored in a unit regulated for storage of PCB waste must not be commingled with PCB waste. Would this prohibition be violated if PCB Household Waste were stored in a TSCA permitted Storage Area along side PCB Waste?

A written response can be sent to the following address:

Onyx Environmental Services, LLC
700 E. Butterfield Road
Suite 201
Lombard, IL 60148
Attn: Scott Hoffert

If you have any questions, I can be reached at (630) 218-1857.